remain restricted to public access, FIAF is less secretive than it was. Equally, while still a highly political group, there is less internal bickering than in the past, when the Cinémathèque Française quit in protest, followed by its close American sister institution, the International Museum of Photography at George Eastman House. (Both archives subsequently rejoined the organization, but only after the death and retirement of their respective heads, Henri Langlois and James Card.)

The FIAF is a highly bureaucratic organization, with its "Internal Rules" running to over 100 articles. The second of those articles delineates how an archives may become a member, with the would-be applicant required to have "Observer" status for at least one year, having to submit nine separate documents (15 copies of each), and finally, be visited by a member of FIAF's executive committee. Interestingly, Article 3 of FIAF's rules demand that archives which are part of larger institutions must have a certain, specified degree of autonomy. A reading of such rules would seem to indicate that at least two American member archives do not meet FIAF's rigid standards.

American archives have always had problems vis-à-vis the statutes definitions, and it might be argued that FIAF's disregard of such issues demonstrates not a rigid bureaucracy but a healthy flexibility.

Aside from its annual general assembly meetings in different countries, FIAF maintains three commissions, on Preservation, Cataloging, and Documentation, which meet as required. As far as the general public is concerned, the most visible of FIAF's activities is the compilation and publication of the *International Index to Film Periodicals* (which first appeared in 1972) and the *International Index to TV Periodicals* (first published in 1979).

Slide, Anthony. Nitrate Won't Wait: A History of Film Preservation in the United States. Jefferson, N.C.: McFarland & Company. 2000.

2 NEWSREEL PRESERVATION AND THE NATIONAL ARCHIVES

On June 19, 1979, George Stevens, Jr., then director of the American Film Institute, and Lillian Gish appeared before the House Government Information and Individual Rights Subcommittee, urging Congress to fund the preservation of America's newsreels. Miss Gish spoke of this country's "powerful history," and the need to "preserve the living record of it." It was not an idle gesture, for while the features and shorts produced by the American film industry have been sought after and preserved, America's newsreels had generally been allowed to disappear through neglect and lack of funding.

One problem then and now is the sheer number of newsreels involved. They had been a staple of American moviegoing from 1911 to 1967. Shown on a weekly basis and each an average 1,000 feet in length, these shorts were produced by as many as half a dozen competing newsreel companies, each of which presented its own, often biased, view of the news; (further confusing the preservation situation, all often shared the same footage). In the 1940s, Howard Walls recalls that the Library of Congress regarded newsreels as major problems in its selection process as to what copyright deposits to keep and what to reject: "We wouldn't want to take all the newsreels, because they were substantially the same. So we thought it would be good to have *Fox Movietone* one year, *Paramount News* the next year, *Pathé* the next year, and so on. Each one would come around every five years."*

As far as preservation of the newsreels was concerned, it was not considered a major aspect of the work of American film archives. If any archives was to accept responsibility for newsreel preservation, it had to be the National Archives and Records Administration. The very valid reasoning behind this argument was that newsreels provided adequate coverage of events which either documented or helped clarify and explain government activities.

**Interview with the author, October 7, 1990.*

The National Archives and Records Service (NARS) was created by an act of Congress on June 19, 1934 (48 Stat. 1122) and was made "responsible for establishing policies and procedures for managing the records of the United States Government." In 1949, it became a service of the newly formed Government Services Administration (GSA). A successor agency, the National Archives and Records Administration, was established by an act of October 19, 1984 (44 U.S.C. 2101 et seq.).

To many, it is surprising that the National Archives was so late in being born. Equally surprising is that film should always have been considered so important a part of the holdings of the Archives, and that the agitation for a government-sponsored national film archives should have been so influential in the creation of the National Archives. As early as 1923, Will H. Hays, president of the Motion Picture Producers and Distributors of America, Inc., had discussed with President Warren G. Harding the need for a fireproof film vault in the basement of the White House. The vault, under the supervision of the President's secretary, was to house footage of events of national importance, such as President McKinley's inauguration and the burial of the unknown soldier in Arlington National Cemetery. President Harding died before Hays' proposal could become reality, but the latter continued to lobby for the idea. He was joined in his efforts by Sydney S. Cohen, president of the Motion Picture Theater Owners of America, who argued for "the location of a Government building in Washington for the proper storage and care of such motion picture film as has sufficient historic value."*

In September 1926, Congress appropriated $6,900,000 for a National Archives building, and Will H. Hays proposed the new building should contain 20 film vaults, each capable of holding 1,000 reels of film. On June 10, 1930, Hays' organization drew up a formal "Resolution for Industry Cooperation in Selecting and Preserving Film Records of Historical Events." However, a 1932 report by Louis Simon, the government's advisory architect, indicated that space for films in the National Archives should be limited to films already owned by the government or films produced by it. Political maneuvering by members of the film industry, President Franklin D. Roosevelt, and others eventually resulted in a bill, which stated in part: "The National Archives may also accept, store, and preserve motion-picture films and sound recordings pertaining to and illustrative of historical activities in the United States, and in connection therewith maintain a projecting room for showing such films and reproducing such sound recordings."

Credit for expanding the role of the National Archives beyond the storage and preservation of government films belongs to Representative Sol Bloom of

*"*Cohen Urges Hall of Film Records,*" Morning Telegraph, *March 2, 1924. This and other information relating to the origins of the National Archives is taken from an unpublished paper, "The Origin of Motion Picture and Sound Recording Collection Policy in the National Archives," by Marjorie Heins Ciarlante.*

New York, who introduced three bills into Congress to establish a National Archives, each of which referred to motion pictures, and to John G. Bradley, who was clerk of the House Committee on the Library in 1933–34. Bradley had a personal interest in ensuring that motion pictures should be an integral part of the National Archives. He evaluated the candidates for the position of the first Archivist of the United States. His choice was R.D.W. Connor, Kenan Professor of History at the University of North Carolina. From what we know of Washington politics today, it is not surprising that the first division to be organized in the National Archives was that of Motion Pictures and Sound Recordings, and as its chief, Connor appointed John G. Bradley.

Born in Jackson County, Illinois, on July 31, 1886—Connor once referred to him as "an Illinois spoilsman"*—Bradley majored in science at Valparaiso University and spent three summers at the University of Chicago, pursuing graduate work in the liberal arts. His early career was varied, including employment as a sales executive, college instructor in English, speech and journalism, and research director for Capper Publications. He dubbed himself Captain Bradley, by virtue of his appointment as captain of the 5th Texas Cavalry, and entered the federal service in 1933 as clerk of the House Committee on the Library.

Howard Walls, with whom Bradley worked at the Library of Congress, recalls him as "a delightful person, witty and friendly. He was a kind of poseur. He knew very little about motion pictures, and, furthermore, he didn't give a damn. He liked the government because it paid him a good salary and he didn't have to do any work."†

One innovation for which Bradley does deserve credit is the development of water-seal storage cabinets for nitrate films. In a February 1949 "confidential" memorandum, the vaults are described thus: "The basic principle of the design is a diversion of heat from the storage area of the cabinet into a common flue and the introduction of water into the cabinet where it flows over, under and around each storage container as a means of carrying off the heat. The source of the water is an automatic sprinkler head."

The storage cabinets were patented under government auspices and tested, and approved, by the National Bureau of Standards. However, they are impractical for the storage of nitrate films in any volume. Currently, the National Archives stores its preservation materials in a climate-controlled facility, equipped with refrigerated vaults, in Alexandria, Virginia.

Bradley remained with the National Archives until July 1945, when he was appointed director of the newly created Motion Picture Division at the Library of Congress. He was well liked by his Library of Congress colleague Howard

**Quoted in Shelley, Fred, "The Interest of J. Franklin Jameson in the National Archives: 1908–1934,"* The American Archivist, *vol. 12, p. 43.*

†*Telephone conversation with the author, December 5, 1990.*

Walls, who found the new director supportive and happy to while away the time in his office playing a game of tossing pennies. After a final year as a motion picture consultant to the Library of Congress, Bradley retired from government service at the end of July 1948.

He moved to Colorado for a decade, returning to Washington, D.C., in 1959 to work for audiovisual equipment manufacturer Paul Brand and Sons. He retired again in 1966 and the following year moved to Rancho Bernardo, California. Bradley died in an Escondido, California, nursing home on October 12, 1974.

The film trade press was quick to acknowledge Bradley's appointment to the National Archives. *Motion Picture Herald* (February 9, 1935) reported, "The Motion Picture Producers and Distributors of America has informed the archivist that he will be offered prints of numerous company produced films of historic interest. In addition news and educational films will be collected."

Some of the first films received by the National Archives were of news footage of the First World War, produced by the U.S. Signal Corps, and for the "rehabilitation" of which, $35,000 was assigned in the budget. The Office of the Chief Signal Officer has provided the National Archives with its most substantial film collection, more than 22,000 items dating from 1909 to 1964.

Each government agency commenced, and continues today, to turn over film and video materials to what is now designated the Motion Picture, Sound and Video Branch of the National Archives. One of the earliest of such materials are films filed as plaintiff's exhibits in a copyright case brought by the American Mutoscope and Biograph Company vs. Siegmund Lubin in October 1903 before the U.S. Circuit Court for the Eastern District of Pennsylvania. However, government-related film generally dates from after 1913, when the Department of Agriculture established a motion picture unit.

Nongovernmental gifts to the National Archives are designated Records Group (RG) 200, and within this collection may be found the newsreel holdings, consisting primarily of *Paramount News* (1941–1957), *Fox Movietone News* (1957–1963), *News of the Day* (1963–1967), *Universal News* (1919–1967), *The March of Time* (1935–1951), and *Official War Review* (1917–1919). Also here are items donated by the Ford Motor Company, including *Ford Animated Weekly* (1914–1921) and *Ford Educational Weekly* (1916–1925). (In 1970, the National Archives published a *Guide to the Ford Film Collection in the National Archives*, compiled by Mayfield Bray, describing all 1,500 reels in that collection.)

Because all government-produced film footage is in the public domain, the National Archives quickly became a popular source for actuality footage, available for outside use at cost. In fact, the Archives operates, currently as part of the Motion Picture, Sound and Video Branch, a Stock Film Library, with more than 10,000 reels of film on file. The Stock Film Library contains trims and out-takes from U.S. government productions from the 1940s through the

present, with the bulk of the footage originating with the National Aeronautics and Space Administration (NASA). In 1969, the National Archives began administration of the National Audiovisual Center, created as a central sales and distribution agency for current government films and the more popular of earlier titles.

Because of the amount of potential donations—a problem all film archives face—the National Archives has developed a "gift collection acquisition policy" (General Information Leaflet No. 34). Potential public acquisitions by the National Archives are governed by the following factors:

One. The research value of the audiovisual materials, including but not limited to the uniqueness, the quantity and quality of pictorial or aural information, the physical condition, and the relative age of the material.

Two. The relationship of the audiovisual materials to official records or to other gift materials in the National Archives.

Three. The donor's willingness to deed the donated physical property to the National Archives and to allow access to the gift materials for purposes of preservation, study, exhibit, and reproduction, consistent with the donor's applicable underlying rights or copyright interests and with the National Archives' mandate to make its holdings available.

Four. The total processing and preservation requirements. Large collections will not be accepted if it is beyond the means of the National Archives to provide archival processing and reference service within an acceptable period of time. Donor support, however, can be a mitigating factor in measuring the concomitant archival workload.

As of 1990, the National Archives priorities with regard to acquisitions were newsreels from the 1930s and earlier, daily television newscasts, unedited television news coverage, and cable television coverage of Congressional committee hearings. Perhaps it might seem strange that American archives are selective in their acquisitions of nitrate film, but this is a result not only of lack of funds and lack of storage space, but also, and this is perhaps more relevant, the high cost of preservation, management, and disposition of nitrate film elements. Disposal of nitrate film has become a costly exercise. The International Museum of Photography solved the problem by burying its decomposing nitrate film in the ground. Other archives are forced to arrange for salvage companies to remove the film at a cost of $800 or more per barrel, with each barrel containing not only reels of nitrate film, but also cans and sufficient water to cover the contents. Long gone are the days when salvage companies would pay for nitrate film in order to recover its silver content.

Inadequate public funding has long hampered the preservation work of the National Archives. Inadequate funding can also, arguably, be blamed for a disastrous fire which took place at the Suitland, Maryland, nitrate vaults of the National Archives on December 7, 1978. Built in 1948 as temporary storage facilities, the Suitland vaults did not meet contemporary archival standards for

Picture, Broadcasting and Recorded Sound Division, independent and equal to its former parent, the Prints and Photographs Division. (The title change indicated a new concern for preservation in the area of television.)

When John Kuiper left the Library of Congress in 1977, to become director of the Department of Film at the International Museum of Photography at George Eastman House (a position which he held until 1987), Erik Barnouw was appointed chief of the Division on July 31, 1978. Barnouw's appointment, and that of his successor Robert Saudek, indicated a desire on the part of the Librarian of Congress to appoint figureheads from the world of broadcasting rather than what might be described as the old-fashioned type of hands-on film archivists and preservationists such as John Kuiper and the Division's longtime assistant chief, Paul C. Spehr.

(Dr. Kuiper was asked to comment on this chapter but declined, describing it as "full of holes, omissions and distortions." He also wondered "how you can identify, understand and consequently express the generative mechanisms behind the events at LC, for example, the lack of movement then sudden and abrupt actions, without having been in federal service."*)

Back in 1947, Luther Evans had envisioned the Library's organizing a permanent film exhibition program. His dream became a reality on May 10, 1983, when the 64-seat Mary Pickford Theatre was dedicated in the Library's new James Madison Memorial Buildings, thanks to a $500,000 donation from the Mary Pickford Foundation. The Motion Picture, Broadcasting and Recorded Sound Division also made a move to the new building.

**Letter to the author, February 24, 1991.*

4 THANKS TO THE FILM COLLECTORS

The relationship between film collectors and film archives has always been an uneasy one. The former tend to view archives as bureaucratic strongholds which horde films and deny access to their holdings to people who genuinely "love" film (that is, collectors). Film archives must at least make a show of recognizing copyright laws. Such laws are generally ignored by collectors, who argue, with some reason, that the laws are far from clear in terms of the rights of individuals to own and enjoy, in the privacy of their own homes, copyrighted films.

If a collector is to permit an archives to own or have access to his films, then the collector expects something in return, and often that something is a copy of the borrowed film. Archivists are placed in the difficult position of not only having to spend a portion of their limited budget to make a print for the collector, but also having to deal with a copyright law which they perceive as denying individuals the right to own copies of copyrighted films.

A feeling of mutual suspicion developed between collectors and archivists. The situation changed somewhat with the establishment of the American Film Institute and the appointment of David Shepard as its acquisitions manager from 1969 to 1971. Shepard was himself a film collector, and he understood the collector mentality. While other archivists shied away from collectors, Shepard went out and talked to them about ways in which their films might be made available for preservation. Another AFI archivists, Lawrence F. Karr, explained the Institute's philosophy regarding private collectors:

> When we find caches of old films, we usually try to strike a bargain with the owner. We offer to put his name on the collection, or, if possible, promise him prints of the films when they've been copied. If he's got a lot of old nitrate film in the attic, it's not generally too difficult to persuade him. The stuff is a fire hazard, it's dangerous to put through a projector. Basically, we explain, it's not doing anyone any good.*

**Ward, Alex, "Gone with the Nitrate,"* NEA Cultural Post, *May/June 1977, p. 9.*

Two of the first major collections of nitrate films acquired from individuals by David Shepard for the American Film Institute came from George Marshall and George Post. Marshall had an automobile repair shop in Vineland, New Jersey, outside of which he had a sign, "Old Films Bought and Sold." Film historian George Mitchell recalls visiting him:

> He was a cripple, terribly crippled, he had to walk with crutches. The man had built himself a 35mm reduction printer, and he could reduce 35mm to 16mm. Of course, anyone who is a good carburetor repair man can fix just about everything—they get top dollar and they're hard to come by. Everything was neat and clean as a pin. He had copied a hell of a lot of film.
>
> At the New Yorker Theatre on Sundays [William K.] Everson would run silent pictures, 35mm stuff. He used to go down to Lloyd's Film Storage—he had some sort of connection with Lloyd's Film Storage—and he would come up with 35mm stuff you just can't believe. The last time I saw George Marshall, Everson had a trailer for *Ben-Hur* [1926] in Color, and he loaned this guy the trailer. And the guy just looked like he'd been bestowed on a hunk of gold. Hobbling over to his car, to go back to Vineland, New Jersey, he told me, "I'm going to print this one in color." He was a dedicated film preservationist.*

George Post had escaped from his native Russia, through Manchuria, at the end of the First World War. He settled in San Francisco, and became a projectionist at art theatres screening foreign-language films. David Shepard recalled:

> The most interesting part of his collection was an accumulation of over 15,000 feet of newsreel stories on the history of San Francisco, beginning back before the earthquake and going up through 1934. This is one of the finest deposits we found in any one spot on the history of a particular urban center and the way it developed. He also had a very large number of two-reel comedies and feature films which he had acquired mostly in the late 1920s. He never liked talking pictures because of his trouble understanding English. He thought that for ethnic markets such as his own silent films would always be popular. He began buying out old exchanges with the idea of operating a rental library of these films when everyone else had converted over to talkies, a plan which never materialized but which helped save a great many pictures.†

The bulk of the film in the Post Collection was purchased by the American Film Institute in the summer of 1970. Many years later, some additional titles from the Post Collection were deposited with the UCLA Film and Television Archive.

The list of film collectors who have helped the American Film Institute in its acquisition and preservation efforts is considerable. In 1972, the collection of Don Nichol was purchased; it included 74 feature films (among which were *Traffic in Souls* and *The Red Kimono*), 56 two-reel shorts, four serials (one of which was *The Woman in Grey* with Arline Pretty), and 17 newsreels. That

**Interview with the author, May 31, 1990.*
†Shepard, David, "The Search of Lost Films," Film Comment, *Winter 1971–72, p. 62.*

same year, L.P. Kirkland of San Diego donated the Maurice Tourneur feature, *A Girl's Folly* (1917); I.K. Meginnis, who lived just outside of Washington, D.C., in Maryland, donated four reels of *The Italian* (1915) and the 1921 Mary Miles Minter feature, *The Little Clown;* and Jerome Kraemer gave a substantial donation of prints. In 1973, the estate of collector Maurice Rony donated 500,000 feet of nitrate film, dating from 1917 through the early 1940s. In 1978, the film collection of director Irvin Willat came to the AFI, and included nitrate negatives on four features which he had made in 1920 and 1921. In 1979, Victor and Walter Cromwell donated 150 reels of nitrate film. An exciting donation in 1982 was the 16mm home movie collection of illustrator Ralph Barton, given by his family, and including unique footage on Charlie Chaplin, Sinclair Lewis, H.L. Mencken, Ferenc Molnar, and others.

Not exactly gifts from collectors but similar in nature were donations to the American Film Institute from personalities in the film industries or their heirs. One of the earliest such donations came in the summer of 1970, when the Institute completed negotiations with Thomas H. Ince, Jr., and Mrs. Thomas Ince, and acquired a collection of original negatives, fine grains and prints on 55 feature films produced by the legendary silent filmmaker, Thomas Harper Ince, between 1916 and 1924. Unfortunately the availability of these films for scholarly study diminished Ince's reputation rather than enhancing it. Also in 1970, Winifred Bryson Baxter Manger donated to the AFI five features in which her former husband, Warner Baxter, had starred, along with a number of home movies.

Somewhat appropriately, Christine Jorgenson helped the AFI, in the spring of 1972, to acquire two sex education films from the 1920s, along with an early drama dealing with drug addiction, *The Devil's Needle* (1916). That same year, Bette Davis donated 35mm prints of two of her features, *Bad Sister* (1931) and *Of Human Bondage* (1934), together with 16mm copies of several television shows in which she had appeared.

A 1934 short by Orson Welles, *Hearts of Age,* was discovered at the Greenwich (Connecticut) Public Library in December 1969, and donated to the Institute. In 1971, Colleen Moore donated negatives on two of her features, *Irene* (1926) and *Lilac Time* (1928). In 1982, Elizabeth Taylor donated 70 boxes of preprint material from third husband, Mike Todd's 1956 feature, *Around the World in 80 Days.*

Collectors, of course, could also cause archives problems, playing one against the other in an effort to obtain a better "deal" for the donation of a film. When a collector found the only surviving print of the 1915 Raoul Walsh feature, *Regeneration*, in Montana in 1975, he tried to have the AFI, the Museum of Modern Art, Blackhawk Films, and the feature's producer, Fox, bid against each other for the title. In the end, Blackhawk purchased the film, but turned it over to the Museum of Modern Art for preservation, as the Museum had the largest extant collection of Raoul Walsh silent films.

Beginning in 1974, the F.B.I. began an all-out campaign against film piracy, which meant, in effect, the harassment of innocent film collectors. Among the well-publicized F.B.I. raids were those on Roddy McDowall, Ray Atherton, Woodrow (Woody) Wise, and Los Angeles–based Budget Films. Many of the charges were eventually dropped, and those that were not were often rejected by the courts. For a number of years thereafter, the F.B.I. remained relatively quiet on the film collector–film piracy front. However, other law enforcement agencies were coming on the scene, notably the Los Angeles District Attorney's Entertainment Industry Task Force.

In August 1983, the Task Force raided the vaults of a private collector, Merle Ray Harlin, at E-Z Storage in Burbank, California. Six hundred sixty-one films were seized, including original nitrate prints on the two-color Technicolor features, *Doctor X* (1932) and *The Mystery of the Wax Musuem* (1933). The latter had been preserved by the American Film Institute through Don Malkames' making a 35mm Eastman Color negative in the early 1970s; 16mm prints were around as well, the film having been duped when loaned by Warner Bros. to an Orange County, California, college for a tribute to its director, Michael Curtiz. Also found at E-Z Storage was material on the "Lose That Long Face" number from *A Star Is Born* (1956), which had just been restored minus that song. The two Technicolor features were subsequently preserved by Turner Entertainment and the UCLA Film and Television Archive, and "Lose That Long Face" was restored to *A Star Is Born*.

Harlin had been a stock footage librarian at Columbia, which shared the Burbank Studios lot with Warner Bros. The latter had, according to Harlin, thrown the films into the trash—a not unreasonable proposition in view of the lack of interest at that time by studios in film preservation. With much hoopla—and a publication of the complete list of films, now confiscated, in *Daily Variety* (April 6, 1984)—the Merle Ray Harlin collection was returned to its "rightful" owners. Harlin was fired by Columbia, but quietly rehired by Lorimar, where he remained, as a stock footage librarian, until his retirement in 1989.

One quasi-film collector and entrepreneur who has given film archivists a number of headaches through the years is Raymond Rohauer (1924–1987). Rohauer's specialty was the acquisition of often dubious rights to vintage films, with his claims to such films based on loopholes in the American copyright law. He would contact widows and executors of apparently worthless estates of once-prominent names in the film community, and negotiate representation of the estate's rights in films, to which quite often the estates had no claims. Forming associations with a varied group of personalities, including Buster Keaton, Douglas Fairbanks, Jr., and Jay Ward, Rohauer began a ruthless campaign in the 1960s to force archives to surrender their holdings on films in which he claimed an interest.

One of Rohauer's first attacks on the Museum of Modern Art came in 1966,

when he claimed the Museum had been duping and renting prints of the French silent classic, *Un Chien Andalou* (1928), to which he claimed ownership. Ironically, the film's director, Luis Buñuel, had been given employment at the Museum of Modern Art during the Second World War. Rohauer took advantage of a FIAF Congress at the Museum of Modern Art in 1969 to serve notices on a number of archivists, including Ernest Lindgren of the British National Film Archive. Rohauer's action seriously jeopardized the National Film Archive's restoration of *The Black Pirate* and forced Lindgren to order the withdrawal of *The Birth of a Nation* from distribution by the rental library of the British Film Institute. There are even those who claim that Rohauer's legalistic antagonism towards Lindgren eventually led to the curator's death.

Raymond Rohauer was one of the principals in a lengthy court battle over the rights to D.W. Griffith's 1915 masterpiece *The Birth of a Nation*, a battle which began in May 1969 when Epoch Producing Corporation (formed after the production of the film) filed suit against the Museum of Modern Art and Paul Killiam, as successor to the estate of D.W. Griffith. The case was settled on August 13, 1975, with the U.S. Circuit Court of Appeals, 2nd Circuit, ruling that Griffith was the creator and legal "author" of the film. The ruling was upheld by the U.S. Supreme Court, and, in practical terms, meant that *The Birth of a Nation* was in the public domain.

In 1969, the American Film Institute acquired 90 cans of original negative trims and out-takes on *The Birth of a Nation* from the Academy of Motion Picture Arts and Sciences. Two years later, Paul Killiam agreed to put up half the purchase cost of $5,000 for between 32 and 36 cans of original negative materials and preprint on *The Birth of a Nation*, owned by a private collector and discovered by David Shepard. The footage was handed over to, and copied by the Library of Congress, with Paul Killiam controlling access.

Epoch filed a copyright infringement suit against the American Film Institute in 1973, and sent federal marshals, with a seizure warrant, to the Motion Picture Section of the Library of Congress. Technical Officer David Parker was the highest ranking staff member in the Section when the marshals arrived. He was able to contact John Kominski, the Library's chief legal counsel, and Kominski ordered the Library's guards to eject the federal marshals from the premises. Later that same year, federal marshals were able to seize and seal the cans, but they remained in the physical custody of the Library of Congress. The cans were "sealed" by the attachment of a notice of such "sealing" to the cans and the shelves on which they were stored; because of the dangers in sealing cans of nitrate film, they were not physically sealed.

Further complicating the issue, and unbeknownst to Rohauer or the Epoch lawyers, the American Film Institute had been approached in 1974 by a private collector with what appeared to be the most complete nitrate print of *The Birth of a Nation*. Legal problems prevented the Institute's accepting the film, and an arrangement was worked out whereby a film dealer in Los Angeles

named Tom Dunnahoo would have his company, Thunderbird Films, acquire the nitrate from the collector. Dunnahoo copied and surreptitiously released 16mm prints of the film. At the same time, he deposited the nitrate with the UCLA Film and Television Archive, on the understanding that it would be transferred to the Library of Congress on resolution of the various legal issues raised by Rohauer and Epoch.

Such legal problems were not finally resolved until November 6, 1979, when American Film Institute archivist Lawrence F. Karr was able to persuade Rohauer and Paul Killiam to sign a confidential settlement.*

Two of the best known collectors, with the largest holdings of 16mm film in private hands, are William K. Everson in New York and David Bradley in Los Angeles. In May 1969, the American Film Institute purchased at laboratory cost 16mm fine grains and reference prints on 16 silent features, made from Bradley's negatives, for deposit with the Library of Congress. Everson served as a consultant to the American Film Institute Archives for a number of years, and has also permitted a number of 16mm prints in his collection to be copied for preservation. He had no substantive consultant involvement with the archives program after 1972.

One such print, which the American Film Institute was able to copy and preserve in 1974, was an incomplete version of Frank Borzage's 1929 feature, *The River*. The original nitrate on the film had been in the vaults of 20th Century–Fox. A former employee there, who has received considerable attention, not least of all from William K. Everson, for his self-proclaimed preservation of the Fox films,† decided that as the feature was incomplete, it was not worth being kept and passed on to the Museum of Modern Art for preservation. (The major Fox and 20th Century–Fox titles were preserved by the Museum of Modern Art; the so-called "lesser" features were deposited with the UCLA Film and Television Archive, and a number have been preserved by that institution.§) Prior to junking *The River*, a 16mm reduction print was made for

**Much of the information relating to* The Birth of a Nation *is taken from a confidential memorandum from Larry Karr to the File, dated December 3, 1979.*

†For example, see Everson, William K., "Film Treasure Trove: The Film Preservation Program at 20th Century–Fox," Films in Review, *vol. 25, no. 10, December 1974, pp. 595–610.*

§Among the Fox titles preserved by the UCLA Film and Television Archive are After Tomorrow *(1932),* Almost Married *(1932),* Always Goodbye *(1931),* Bachelor of Arts *(1934),* Bachelor's Affairs *(1932),* Best of Enemies *(1933),* The Black Sheep *(1935),* Blue Skies *(1929),* Captain Lash *(1929),* Cheaters at Play *(1932),* Cheer Up and Smile *(1930),* Dance Team *(1932),* Disorderly Conduct *(1932),* Double Cross Roads *(1930),* East Lynne *(1931),* The First Year *(1932),* The Gay Caballero *(1932),* Goldie *(1931),* Good Intentions *(1930),* Hush Money *(1931),* I Believed in You *(1934),* The Infernal Machine *(1933),* Lilliom *(1930),* Man Trouble *(1930),* Men on Call *(1930),* Movietone Follies of 1930 *(1930),* Murder in Trinidad *(1934),* My Lips Betray *(1933),* My Weakness *(1933),* Not Exactly Gentlemen *(1931),* On Your Back *(1930),* Once a Sinner *(1930),* The Painted Woman *(1932),* Part Time Wife *(1930),* Servant's Entrance *(1934),* Sharp Shooters *(1928),* She Wanted a Millionaire *(1932),* Six Cylinder Love *(1931),* The Sky Hawk *(1929),* Three Girls Lost *(1931),* 365 Nights in Hollywood *(1934),* Under Suspicion *(1930),* Weekends Only *(1932),* The White Parade *(1934),* Women Everywhere *(1930),* Women of All Nations *(1931), and* Young America *(1932).*

Everson, and that was all that survived on the film, and could be copied for archival safeguarding. The incident underlines a basic problem in the relationship between collectors and archivists. The latter believe, quite rightly, that films should be preserved in the format in which they were shot, 35mm, and that preservation is the first priority. Collectors are more interested in 16mm prints for presentation purposes, and in the minds of many of them "preservation" amounts to their having a 16mm print in their collection.

Film collectors can, and do, benefit archives, but there was also a time when at least one archives, unknowingly, benefited collectors. In 1956, three major New York film collectors, whose names must remain anonymous, contacted one of the vault custodians at the Museum of Modern Art. The Museum employee was a gambling addict, and agreed to accept what the collectors laughingly called a "stud fee" of $200 for each negative he would remove from the Museum's vaults and loan to the collectors for printing. A collector involved in a peripheral way recalls, "It was a very modest thing, really no harm was done. They were only getting a few things, like a Fairbanks feature, a Harold Lloyd short, nothing big—only little things which they were interested in personally. It blew apart when, like a lot of these things, they got greedy. And they began to bring the stuff out like it was Ali Baba and the Forty Thieves. Open Sesame and grab all the jewels. I don't know the details of how this fell apart, but it did in the end. The guy was not caught, but finally it got to the point it got dangerous."

One of the earliest known film collectors was actor George (André) Beranger (1893–1973), who began collecting 28mm films in the late teens. His collection was rich in one-reel American Biograph and Pathé Frères subjects, and a favorite leisure activity for many Hollywood stars of the 1920s was an evening at the Hollywood Athletic Club, viewing Beranger's films. By 1928, he had amassed a collection of 128 reels, which he offered for sale at $3,500, with the price also including projection equipment and a screen.* There were no takers, and Beranger held on to the films until 1942, when he decided to return to his native Australia. Beranger offered the films to cinematographer Charles G. Clarke for a mere $500.† Clarke was not interested, but he did arrange for the films to be acquired by the Academy of Motion Picture Arts and Sciences.

Beranger has not been the only actor who collected films. Roddy McDowall and Rock Hudson are two other examples. John Griggs was never a well-known actor, but his voice was heard on more than 5,000 radio programs, notably as Roger Elliott on Mutual's *The House of Mystery* (1945–1949). Not only did Griggs collect films, but also he copied many of the rare items in his collection, selling prints of them under the company name of Griggs-Moviedrome. At the

**Advertisement in* The Film Spectator, *July 9, 1927, p. 4.*

†Letter from Beranger to Clarke, November 26, 1942, in the files of the Margaret Herrick Library of the Academy of Motion Picture Arts and Sciences.

time of his death, on February 25, 1967, John Griggs had a son in the graduate program at Yale University. A group, "The Friends of Film at Yale," was created by Chester LaRoche, with support from Frederick W. Beinecke II and Richard Fuller, and it raised the necessary funds for the university to acquire the bulk of Griggs' 16mm film collection. The John Griggs Collection became the basis for the Yale Film Study Center. The price tag for the collection was determined independently by film historian Herman W. Weinberg and Griggs' fellow film collector, Robert E. Lee.

Robert E. (Bob) Lee operates one of the oldest film societies in the country, the Essex Film Club, founded in 1939 and still presenting vintage films on a regular basis in Nutley, New Jersey. Lee joined the production department at Mutual's WOR radio station in the 1940s. He recalls,

> One of my many jobs in New York's WOR was to put together so-called soap operas and on some of these I was able to work with most of the top actors in the New York area, and one of these was John Griggs. In WOR, we had about 20 studios that were operating, as we also fed the coast-to-coast Mutual network. I could monitor any of these studios to find what activity was going on. My ears caught an interview with a popular commentator, Bessie Beatty, her subject was John Griggs, talking about his favorite hobby, his movie collection. I promptly went up to the studio, waiting for him to come off the air, and introduced myself, although we had worked together many times on radio. It was then a bond was formed between John and myself that was to increase and increase to many years up to the time of his death.*

In 1938, cameraman Don Malkames began building a collection of films and early equipment, housed in his Tuckahoe, New York, home. In 1954, it was described by *The New York Times* as "one of the most outstanding in private hands."†

The largest private collection of film amassed in the United States belonged to John E. Allen. He had extraordinary luck not only in finding films but also paper materials. At one time, Allen picked up 1½ tons of paper items, scripts, still photographs, production data, and the like relating to the Triangle Company, a distribution agent for the films of D.W. Griffith, Thomas H. Ince, and Mack Sennett, active from 1915 to 1917. The bulk of the collection was eventually acquired by the Cinémathèque Française, but a considerable volume was offered for sale to collectors in the 1950s and 1960s at prices which today seem ludicrously low.

Film historian George J. Mitchell has vivid recollections of Allen:

> When I first met him, he lived in Bergen County, New Jersey. This man was a one-man film archive. He had a wreck of car, and he would go out in this car, looking to buy old film. And he'd always be wearing dirty, ragged-looking clothes. Allen himself was an imposing-looking man, a great big fellow, a solid fellow,

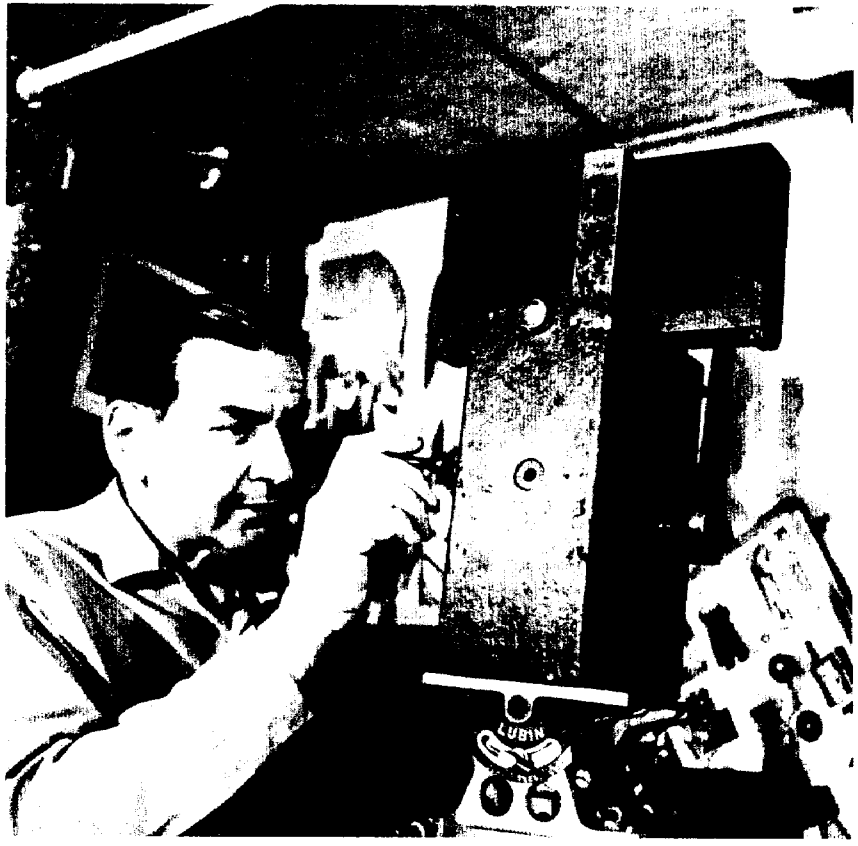
Letter to the author, November 20, 1990.
†*Godbout, Oscar, "Cinema Collectors Close-Up,"* The New York Times, *February 21, 1954.*

John E. Allen (right) with William K. Everson in 1953 (courtesy of George J. Mitchell).

> probably six feet, three, 300 pounds, with no real fat on him. Good natured and pleasant. I remember he told me his first wife committed the most heinous crime of all, she threw his films out in the middle of the street—he left her after that!
>
> He said, why don't you spend the night up here—I'm going to see this friend of mine, Don Malkames, over in Yonkers. It was in the wintertime, probably around November or December, 1952. Anyway, we got ready to go and see Malkames. He takes a big flashlight, and we go out back behind his house into this little wooded area. I see these piles of heavy tarpaulin over stuff. And he had nitrate film there! He had a pad underneath them of wood upon bricks, and then he had the film piled on top of that, covered with tarps.
>
> When I came back ten years later, Allen had moved. He was still in Bergen County, but had moved up the road ten or twelve miles, and he had a lot larger place. He had built out in the back, out of brick and concrete, some very nice film vaults. Now he was strictly in business—he was really in the stock shot business. His wife, a very attractive woman, was very shrewd—shrewder than Allen—and later she began running the business. I never asked him where he got his films—it's like asking an intelligence officer or a policeman who his informants are.*

John E. Allen died in 1975, and his company continued under the direction of his son, John E. Allen, Jr. It boasted a collection of 28 million feet of film, dating from the 1890s through the 1960s. Also, it consists of a full-service film and video laboratory, which handled much of the preservation work for

Interview with the author, May 31, 1990.



Don Malkames with an original Lubin camera (courtesy of George J. Mitchell).

the Museum of Modern Art and the International Museum of Photography at George Eastman House. In 1990, two of the younger Allen's employees left the company, to found their own film laboratory specializing in preservation work, Cinetech, in Southern California.

John E. Allen was noted for his generosity towards many film collectors, and he was equally generous in his early dealings with film archives. In 1945, he agreed to donate some 700 reels of nitrate film, which he had stored in the RKO vaults on Eye Street in Washington, D.C., to the Library of Congress. Unfortunately, the Library was slow in responding to the gift, and only 100 reels were eventually turned over.*

Allen also worked closely with the new film archives created as part of what

**According to Howard Walls in a letter, March 11, 1949, to Alvin W. Kremer at the Library of Congress.*

A group of prominent film collectors; from left to right: Ed Finney, George J. Mitchell, David Bradley, and William K. Everson (courtesy of George J. Mitchell).

was then called simply George Eastman House, and is now known by the somewhat pompous title of the International Museum of Photography at George Eastman House. Allen was a close friend of James Card, and both donated films to George Eastman House and helped the film archives there locate titles.

James Card (born 1915) is the only film collector in the United States to have founded a film archives. A man dedicated to film acquisition and preservation in the manner of Henri Langlois, of whom he was a close friend, James Card was noted for his quick temper and his possessiveness towards the collection which he built up at George Eastman House. He did not suffer fools or bureaucrats gladly, and was often openly critical of the more foolish actions of the American Film Institute. Paperwork held little interest for him, and he would often boast to his fellow archivists that six months or more had elapsed since last he wrote a letter.

Born in Shaker Heights, Ohio, Card graduated from Western Reserve University and spent a year studying at the University of Heidelberg. He had a close affinity to Germany and to German films. Unlike many of his colleagues, he also had a sense of humor about himself and his work. In a reference to the French serials of the silent era, featuring Judex and Fantômas, Card once described himself as "Cardex, the Fantomas of the Film who dreams

of world domination of film knowledge through the most complete record of extant films in existence."*

Following the Second World War, Card moved to Rochester, New York, accepting an appointment as a director and cameraman for the Informational Films Division of Eastman Kodak. He had started film collecting in the early 1930s, with his first acquisition being a print of Dr. James Sibley Watson's 1929 experimental short, *The Fall of the House of Usher.* Watson (1894–1982) produced a number of landmark experimental films, including *Lot in Sodom.* He designed an early optical printer, which was subsequently donated to George Eastman House, and was also innovative in the field of X-ray motion picture photography. He and his wife, Nancy, were generous financial supporters of George Eastman House for many years.

In November 1948, Card was invited to join the staff of the newly formed George Eastman House, with the initial title of "assistant to the curator" (who was Beaumont Newhall). Card's collection of 850 film titles came along with him, but they were not officially acquired by George Eastman House until 1957.

As its present name, the International Museum of Photography at George Eastman House, suggests, the institution is primarily concerned with the study and preservation of still photographs. It is located in Rochester, New York, in the home of Eastman Kodak founder, George Eastman, which he built for himself and his mother in 1905. Following Eastman's suicide in March 1932, the house was bequeathed to the University of Rochester as a home for its presidents. In 1947, the University and the Eastman Kodak Company agreed to work together to turn the house into a permanent memorial to George Eastman, and a nonprofit, educational corporation, chartered by the New York State Board of Regents, was formed.

George Eastman House opened to the public in November 1949, at which time it had few film items in its collection. Card wrote to Howard Walls on November 19 of that year:

> The films now available comprise three collections: the Eastman Historical Photographic Collection which includes twenty Edison films all made before 1897 (in perfect condition); the [Francis] Doublier Collection which was purchased along with his excellent store of early cameras and projectors; and the Card Collection.... I have charge of the motion picture end of things which as you can imagine is somewhat the country cousin in this essentially photographic institution.

The creation of the film collection began in earnest in 1950, under Card's direction, and with the full support of Eastman House curator Beaumont Newhall and its director, General Oscar Solbert. In that year, the cornerstone was

**Letter to Howard Walls, January 20, 1948, in the files of the Margaret Herrick Library of the Academy of Motion Picture Arts and Sciences.*

James Card, first curator of the Motion Picture Collection at the International Museum of Photography at George Eastman House.

laid for the Dryden Theatre, funded by George and Ellen Dryden, which opened the following year, and has been presenting regular seasons of films ever since.

In 1952, L. Corrin Strong, a Washington, D.C., resident, donated $100,000 to George Eastman House, with the money to be used to acquire and preserve films. Of that amount, $30,000 was used to build the first nitrate vaults at George Eastman House, and the remainder was used for film preservation. It was agreed at the time of the gift that the film collection at George Eastman House would be renamed "The Henry A. Strong Collection of Historical Motion Pictures." The Strong funds were the first monies George Eastman House received for film preservation, and the institution did not receive similar preservation funding of such magnitude until 1972, when the National Endowment for the Arts began making money available. During the 1950s and 1960s, George Eastman House was budgeting as little as $10,000 a year for film preservation. It is ironic that lack of funding for film preservation resulted in the loss, through deterioration, of one of its most personal films, the newsreel of the 1949 opening.

Because George Eastman House had so little nitrate film when the vaults were completed, an arrangement was made for it to store many items from the Museum of Modern Art collection, an arrangement which was not totally supported by Richard Griffith and his staff at the Museum, who did not like their films being stored albeit temporarily, outside of their control. Although there was a natural rivalry between the Museum of Modern Art and George Eastman House, it was (and is) a friendly one, and James Card initiated a policy of acquiring and preserving titles which the Museum of Modern Art did not have in its collection. George Eastman House's major archival holdings are silent and sound titles from M-G-M; it is also rich in the films of Thomas H. Ince, William S. Hart and Cecil B. DeMille, and early British short subjects and classic French and German titles. The archives also has a number of productions directed by Maurice Tourneur, and, in 1990, was able to restore the original tints to its preservation materials on the director's 1918 feature, *The Blue Bird*.

Aside from its film holdings, George Eastman House has an extensive collection of film stills (including more than a million from Warner Bros. and First National productions), an extensive research library, and what is considered one of the world's finest collections of cinematographic equipment. Since January 1952, it has published the occasional journal, *Image*, which is primarily devoted to photography, but has contained some important articles on film history, notably by George C. Pratt.*

A collection of film-related articles from Image *has been gathered together as Deutelbaum, Marshall, editor,* "Image" on the Art and Evolution of the Film *(New York: Dover Publications, 1979).*

The Dryden Theatre at George Eastman House, which opened in 1951.

Writing in 1959, James Card described the film study collection as designed to enable a student to:

(1) examine each film which constitutes a major development in technique or style of filmmaking;

(2) observe the manner in which changing social problems affected the motion picture and how they were in turn affected by the public's reaction to popular films;

(3) trace career of leading motion-picture artists;

(4) learn the major steps in the development and use of motion pictures, specialized in their purpose;

(5) refer to newsreels and documentaries as source material in the study of specific events, or to obtain authentic details of dress and architecture; and

(6) compare the several versions of identical stories many of which have been repeated at intervals spanning most of the history of motion pictures.*

James Card retired in 1977, and he was replaced, as director of the film department, that same year by John Kuiper, who remained in the position

*Card, James, "The Historical Motion-Picture Collections at George Eastman House," Journal of the SMPTE, vol. 68, no. 3, March 1959, p. 143.

until 1987. There can be little argument that Card was somewhat autocratic in his administration of the film department. Film viewings by outside scholars and students were all too often based on the director's personal like or dislike of the applicant. Kuiper democratized the running of the film department, trying to administer it along the same lines that he had handled the Motion Picture Division at the Library of Congress. Unfortunately, Kuiper discovered that there was less time available to devote to running the film department, and more time required to deal with the increasingly political situation developing at George Eastman House.

Funding for all of the institution's activities had been inadequate for some time, and in the summer of 1984, the board of trustees recommended that George Eastman House's collection of films, photographs, equipment, and books be merged with that of the National Museum of American History at the Smithsonian Institution, with the resultant collection being named the National Photographic Collection and Research Center. The recommendation created a storm of controversy, and a local citizens group, Photo-Archives Belong in Rochester (PABIR), was created to fight the proposal. As a result of PABIR's efforts, the Eastman Kodak Company offered a 16 million dollar Endowment Challenge, and the Board of Trustees was persuaded to reconsider.

As evidence of the upswing in the fortunes of George Eastman House, a new building was dedicated in 1989, housing three new state-of-the-art film vaults, a film study center, a 25-seat screening room, and the 80-seat Edward Peck Curtis Theater. George Eastman House's name had been officially changed to the International Museum of Photography at George Eastman House in 1975 by then-director Robert Doherty. Film historian Jan-Christopher Horak, who had joined George Eastman House as an associate curator in 1984, was named head of the film department following John Kuiper's resignation in 1987; he now holds the title of senior curator, film collections.

While its film collection may be small in comparison to those in many other archives, the International Museum of Photogrpahy at George Eastman House does maintain a prestigious assemblage of titles, arguably equal in importance to the holdings of the Museum of Modern Art. It is a lasting memorial to its first curator, James Card, who was the last link in the American archival film field between the old and the new generation of film archivists. As he pointed out in a 1977 interview:

> I think in a general way, those of us who were pioneers really served our purpose in getting everybody upset about this problem and moving people to do something about it. And now it's the time to consolidate what has been brought together and save it on a very, very careful plan and [a] good, reasonable unemotional basis. Then when the next generation come on, it will be up to them to analyze and really make use of it. So each group seems ultimately to have its own function.*

**Reynolds, Herbert, "'What Can You Do for Us, Barney?' Four Decades of Film Collecting: An Interview with James Card," Image, vol. 20, no. 2, June 1977, p. 29.*

5 THE FIFTIES AND SIXTIES

The final years of Iris Barry at the Museum of Modern Art were not particularly happy ones. She had begun to drink to excess, and felt that she was being mistreated by the Museum hierarchy. Only after her retirement in 1951 and her move to the South of France, where she ended her days, did she seem really relaxed and happy to her friends.

With her departure from the Museum, Iris Barry's position was split in two. Margareta Akermark was named executive secretary for administrative affairs, and Barry's hand-picked successor, Richard Griffith, was appointed curator of the Film Library. Richard Griffith (1912–1969) had graduated from Harvard in 1935 and first come to the Museum in 1937–1938, undertaking research on a Rockefeller Foundation fellowship. In 1940, he managed the Little Theater of the Science and Education Building at the New York World's Fair, and during the Second World War, he worked as a film editor at the Photographic Center of the Army Signal Corps, working on the *Why We Fight* series and other films. While serving as assistant to the curator of the Film Library at the Museum of Modern Art, he also found time, from 1946–1949, to act as executive director of the National Board of Review of Motion Pictures.

Richard Griffith was a film critic and a prolific writer on film history. His best-known work is, undoubtedly the sumptuous picture book, *The Movies,* coauthored with Arthur Mayer, and first published by Simon and Schuster in 1957. Griffith revised Paul Rotha's classic text, *The Film Till Now,* in 1950, and also coauthored with Rotha, and Sinclair Reed, *Documentary Film* in 1952. Earlier, in 1947, he had edited *Grierson on Documentary.* Other books and pamphlets by Griffith are *The World of Robert Flaherty* (1953), *Samuel Goldwyn: The Producer and His Films* (1956), *Fred Zinnemann* (1957), *Anatomy of a Motion Picture* (1959), *The Cinema of Gene Kelly* (1962), and *The Talkies: Articles and Illustrations from a Great Fan Magazine* (1971). The last was published by Dover, and was intended as one in a series of reprints and anthologies, to be edited or introduced by Griffith.

Perhaps the lesser title to which Griffith was named by the Museum proves the point of film historian, Lewis Jacobs, who comments, "He was not in the same league as Iris Barry." Jacobs continues, "I think Iris Barry was a very literate

10 STOCK FOOTAGE LIBRARIES

The primary function of a film archives is to preserve films. It has no responsiblity to make such films available for commercial use, although some archives have begun to understand that by permitting outside use of their holdings they can also levy fees which can be used for film preservation. For example, the UCLA Film and Television Archive has operated a commercial services division for a number of years. The Library of Congress and the National Archives have no choice but to make their holdings of public domain films available for outside use, charging nothing more than a handling fee plus the laboratory cost of making whatever elements the user may need.

Vast as are the holdings of these two archives, they are far from adequate in satisfying the needs of those using film for purposes as varied as documentary production and television commercials. As a result, a number of commercial film libraries have been established—and the quantity if not the quality of their holdings is continually growing—to accommodate the new market. Most call themselves stock footage libraries, but, in reality, they license film clips and newsreel subjects, neither of which fit the definition of stock footage.

The copyright laws of the United States are so written as to permit, usually by accident, many films to fall into the public domain. Prior to the Copyright Act of 1976 (which went into effect on January 1, 1978), films could only be copyrighted for an initial period of 28 years, and these then had to be renewed for a further 28-year copyright period. (The new act gave motion pictures copyright for 75 years from the first publication of the work. However, it was not retrospective, and all films in their first 28 years of copyright needed to be renewed to gain the additional 28 plus 19 years to take advantage of the new 75-year copyright period.) Many famous and even more less famous films were never copyrighted or did not have their copyrights renewed. As a result, such classics as Frank Capra's *It's a Wonderful Life* (1947) and D.W. Griffith's *Intolerance* (1916) are in the public domain. Newsreels were seldom copyrighted, and fewer still had their copyrights renewed.

With so many films in the public domain, a number of commercial libraries have been established to "license" clips from these productions for use in documentaries, corporate presentations, television commercials, and the like. Several entrepreneurs have purchased vast quantities of public domain footage from the Library of Congress and the National Archives, and now "license" such footage to clients unaware of the existence of the two governmental archives or unwilling to wait the lengthy periods of time it can take either institution to fulfill requests for film or video.

There are, of course, underlying problems in the use of public domain footage, as many users have found to their cost. Just because a film is in the public domain, it does not mean that the music from such film is free of copyright. Members of the Screen Actors Guild must be paid residuals for their work in television from 1952 onwards and in motion pictures from 1960 onwards regardless of the copyright status of the production in which they appeared. Celebrity rights laws in many states require the celebrities be paid if their images are used to promote a product, and most such laws also apply to the heirs up to 50 years after the death of the personality.*

These commercial libraries may call themselves stock footage libraries, but they do not meet the industry definition of a stock footage library. Stock footage should be used to refer only to trims and out-takes from productions or to specially shot color footage. It should never be used to describe clips from features or short subjects, either black-and-white or color. Footage which cannot be cut into another production without its use being apparent to the average viewer is not stock footage. It says much for stock footage that although it is often overlooked and seldom discussed, it continues to play an important role in the production of television programs and commercials, as well as a lesser part in independent feature film production.

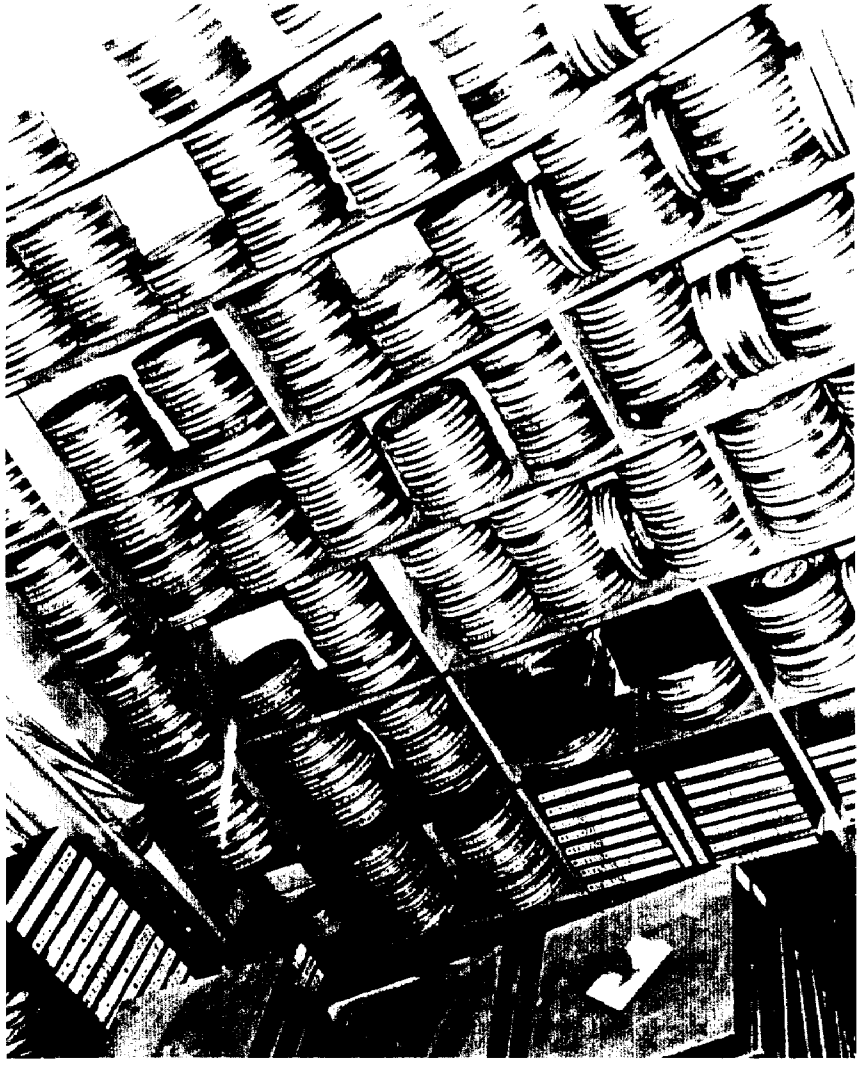
The value of using stock footage can be seen in the opening credit sequence of *Newhart*, utilizing out-takes from *On Golden Pond*,† or the opening of *Highway to Heaven*, which uses an out-take from the 1968 M-G-M feature *Ice Station Zebra* that had earlier been used in *Superman*.§ When the Joan Collins character drove her car off the bridge in a season finale of *Dynasty*, the footage used was, in reality, an out-take from a minor 1984 feature called *Impulse*.**

**The two most prominent agencies representing personalities and their estates in the field of celebrity rights are Curtis Management Group (1000 Waterway Boulevard, Indianapolis, Indiana 46202; 317-633-2050) and the Roger Richman Agency (9777 Wilshire Boulevard, Suite 815, Beverly Hills, California 90212; 310-276-7000). Among the latter's clients are the estates of Charlie Chaplin, Marilyn Monroe, and Mae West. Curtis Management Group represents the estates of Fred Astaire, Abbott and Costello, John Belushi, Humphrey Bogart, James Dean, and Judy Garland, among others.*

†Licensed from Cameo Film Library.

§Licensed from Sherman Grinberg Film Libraries.

***Licensed from Producers Library Service.*



A typical studio film library in the 1930s or 1940s (courtesy of the Academy of Motion Picture Arts and Sciences).

The creation and use of stock footage illustrates how the efforts of one producer can benefit another. Studio libraries retain footage which they generate, not only for their own use, but also to service outside producers. Independent stock footage libraries generally acquire their holdings from consignees, producers who place with the library film shot for but not utilized in a specific production. In return for so doing, the consignees receive a portion of the license

fees charged by the libraries for the use of such footage (usually 40 percent), have the film cataloged at no charge, and enjoy free access to it for future projects. Thanks to the foresight of the original producers, other filmmakers can utilize this footage at prices which are minimal in comparison to the cost of reshooting the same scenes.

It was a fairly common occurence for freelance cinematographers to work in tandem with independent stock footage libraries, shooting film wherever they happened to be, but such practice has declined in recent years with the increased cost of film stock and film processing. Video shooting makes more financial sense, but, as of 1991, the demand from major producers remained for film rather than video footage. Certainly any library will welcome footage of exotic locations, but it will appreciate just as much film which might, at first seem almost mundane, such as a shot of an Eastern home in the rain or a small American town with snow on the ground. Stock footage is far more than establishing shots of foreign locales. Producers are much more likely to ask for matching shots of a home at day and night, or of an Eastern expensive restaurant. At the height of summer, they will need snow scenes or Christmas decorations. Certainly, there will be calls for cars or helicopters exploding, but there will be a greater demand for a 747 jet flying by day or night, or a taxicab run-by on a suburban street.

The earliest known stock footage library was created by Abram Stone in 1908, and it remained in existence until the Second World War. (Its card index has survived and is housed in the Motion Picture, Broadcasting and Recorded Sound Division of the Library of Congress.) Situated on the East Coast, the Film Library (as it was called) suffered as a result of the Western migration of the film industry, and by the thirties was more concerned with the production of series utilizing its own stock footage, notably *Flicker Frolics*, than in acquiring new film or promoting the old.

Because the Film Library was some 3,000 miles removed from the Los Angeles producers, a method had to be devised to provide viewing prints which could not be pirated. The answer was the "scratched print," still in use today. As Stone's daughter, Dorothy, recalled in a 1951 magazine article:

> This was a print made from the negative, usually a selection of scenes, and much more footage than that required by a scenario. This print was scratched from end to end through its middle, so it could not be used. The director or editor who needed footage had the privilege of using it as a rough work print in combination with his rushes and other material. When the final editing was finished, this scratched print was returned to the library with paper markers indicating the actual footage the director or editor wanted to buy. These lengths were then matched to the negative and a duplicating positive [known as an I.P. or interpositive] was delivered to the purchaser, who had a duplicate negative made and inserted it in the complete production negative.*

**Stone, Dorothy E., "The First Film Library,"* Films in Review, *August-September 1951, p. 31.*

A studio librarian examines a can in a studio stock sound library typical of the 1930s and 1940s (courtesy Marc Wanaker Bison Archives).

Then, as now, prints and negatives are matched through the key numbers on the edge of the film. "Scratched prints" are generally utilized today if a producer needs a workprint to determine if a stock shot will work when cut into his production. However, most producers can decide if they need a specific shot by looking at a library's viewing print, and based on that, they will order negative. Because it is industry practice for a library to charge a license fee once a negative is pulled and released to a client, "scratched prints" tend to be used less and less, and many laboratories today are unfamiliar with the term.

Film historian William K. Everson has written extensively—notably in

*Films in Review**—on films of the twenties, thirties and forties which have utilized scenes from other, earlier productions. However, it should be stressed here that stock footage is not film used in earlier productions but rather film shot for but *not* used in an earlier feature. Strictly speaking, films such as *Isle of Love* from 1922, which re-edits footage from a feature of two years earlier, *An Adventuress*, to emphasize the presence of Rudolph Valentino, is not an example of the use of stock footage. The most important criteria for film to be culled and used as stock footage is that it must not include actors or actresses in the scene. Any footage with recognizable individuals in the shot is deemed "production," requiring residual payments to the performers, and would not be acceptable to a stock shot library. The only exception is footage of a stunt, such as a car crash. Even with residual payments to the stunt people involved, it is cheaper for a producer to utilize this footage than to reshoot it.

Film in a stock shot library is not generally released until at least two years after the feature has gone into distribution. It is also restricted until a television version of the film has been cut and aired.

During the first half of this century, independent producers had to rely for stock footage on two major sources, Progress Film Library and the General Film Library. The latter was operated by Sidney Kandel and Morris Landres, and because he had so much footage—some 20 million feet—available to the independent producer, Landres was dubbed "the Mayor of Poverty Row" by *Motion Picture Herald*. Founded in 1920, with offices in both Los Angeles and New York, the General Film Library included two earlier libraries, Horsley and Dawes, as well as a complete run of the *Kinograms* newsreel.

In an interview with *The New York Times*, Sidney Kandel revealed that the most profitable film in his library was of the sinking of the Austrian battleship *St. Stephen* by an Italian torpedo boat during the First World War. That one scene, showing hundreds of seamen swarming over the overturned hull of the boat, was licensed to First National for use in its 1927 release, *Convoy*, for $10,000.†

(Such a license fee is excessive even by modern standards. The average license fee in 1991 for use of a seven second cut in a television production is $400; the use of the same cut in a nationwide television commercial would cost a minimum of $1,000.)

Morris Landres produced a number of low budget feature films which made extensive use of his library's holdings. He died on July 18, 1987, at the age of 96. The General Film Library was acquired by Ziv Television in the late forties; its news footage was used in the compilation of various early fifties televison series.

**"Stock Shots," Films in Review, January 1953, pp. 15–20; and "Movies Out of Thin Air," Films in Review, April 1955, pp. 171–180.*

†*Strauss, Theodore, "History's Happy Hunting Ground," The New York Times, June 22, 1941.*

The New York–based Progress Film Library was apparently founded in 1914 as the Joe Miles Library, with the slogan "Miles of Stock Shots." It was operated in partnership with Lloyds Film Storage Corporation.

Aside from General and Progress, the only other major, independent stock footage library operating prior to the fifties was the Elmer Dyer Film Library, founded by the highly regarded aerial cinematographer in 1920. Inactive for a number of years, it was acquired in 1988 by the New York–based Petrified Film & Photos.

In 1989, Petrified acquired the Warner Bros. nitrate stock footage library, consisting of approximately 20,000 cans of 35mm out-takes, process plates, and special effects footage from the period 1930–1951. Stock footage from more than 400 Warner Bros. features and short subjects was included in the purchase, including out-takes from such classic films as *The Adventures of Robin Hood, Casablanca, Mildred Pierce,* and *Yankee Doodle Dandy*. Petrified moved the footage from the Warner Bros. lot in Burbank to vaults in Kearney, New Jersey.

For many years, the major studios did not want it known that stock footage libraries existed on their lots. There was a strong feeling that if the public became aware that a feature had utilized stock footage it would diminish the film's production values. Nevertheless, several of the major studios did operate stock footage libraries, with one of the oldest and most important being on the Paramount lot, under the guidance of Hazel Marshall.

Marshall became Paramount's librarian in 1924, when she left the laboratory in which she was working, and went in to help the woman who was supposedly in charge. When Hazel Marshall joined the library the most recent can of cataloged film was numbered 173. When she retired on June 15, 1975, there were more then ten thousand cans in the vault. (Hazel Marshall was succeeded by Connie Bulmer, who remained the Paramount librarian until her death in the spring of 1990.)

Marshall recalls that there was little restriction placed on the use of footage in a studio library. Any independent producer who had the money to pay the bills could have access to the footage (although there were certain Paramount producers, notably Cecil B. DeMille, who did not permit the use of their out-takes for stock footage purposes). Process plates were also restricted for internal Paramount use only. Wherever a production crew was filming, it was expected to shoot many thousands of feet of process footage for use in later Paramount features.

It was Hazel Marshall who introduced the ten-foot minimum charge per cut, which remains a standard in stock footage library practice to the present. Any client utilizing stock footage must pay a minimum fee for the use of ten feet of 35mm film (the equivalent of seven seconds) per editorial cut, no matter how little film he may actually use in that cut. As Marshall recalls, "Around 1940, I was feeling guilty about sending out such small bills for the use of two or three feet of film at $2.50 per foot. And the accounts department was raising Cain about paperwork involved costing more than the film was bringing in." Prior to the forties, there had been no standardized minimum cut within the industry, although Abram Stone's library did, apparently, charge for a 25-foot minimum.

As an example of the "treasures" which may occasionally turn up in a stock footage library, out-takes from Orson Welles' abortive 1941-1942 film project, *It's All True*, survived in the Paramount library. The footage, both color and black-and-white, had been acquired by Paramount from RKO in the fifties. Welles' contract had forbidden the use of his trims and out-takes as stock footage—Woody Allen has a similar clause in his contract with Orion—but the director's wishes had been overlooked, and preservation and restoration of the material, in cooperation with the American Film Institute, began in 1988.

Studio stock footage libraries were also maintained at Republic, Walt Disney, M-G-M, Universal, Warner Bros., and Columbia. The last three remain active, although the Columbia library houses only stock footage from the company's television productions. Stock footage culled from the features is handled by the independent Cameo Film Library, under a 1989 contract.

Cameo, which is operated by Janet and Norman Meyer, also handles stock footage from Tri-Star, NBC Productions, and Viacom. Janet Meyer was formally the librarian at the CBS/MTM Film Library, which handles the stock footage created by Republic and also has the out-takes from two David O. Selznick features, *A Star Is Born* and *Nothing Sacred*. With the demise of Republic in the mid-fifties, its stock footage was initially handled by the independent EVCO Film Library, which was founded in 1962 and ceased operations in 1989.

Each of the studios and the two major independent libraries dating back to the fifties utilized a different color with which to identify their film cans. Paramount's cans were (and still are) yellow; Warner Bros.' were orange; CBS/MTM's were blue; Sherman Grinberg's were green; and Producers Library Service cans were pink.

Doris Dashiell (1910–1989) began her career with Gene Autry's Flying A Company. Subsequently, she became a librarian with Columbia and then with Desilu, when it took over RKO. When the RKO library was acquired by Paramount, Dashiell founded her own library in 1964. "I had the benefit of working at a studio," she recalled, "and I knew what the studios had, and, more importantly, I knew what they did not have." She also realized that 16mm was now viable for use as stock footage, and made it a point to acquire 16mm color footage from cinematographers around the world. When Doris Dashiell retired, the Dashiell Film Library was absorbed by Producers Library Service.

Hazel Marshall points out that stock footage libraries came into their own with the Second World War, and the shortage of raw stock. "Anywhere you could save ten feet of negative stock by using somebody else's establishing shot of City Hall, you would go with it."

A further resurgence in the importance of stock footage libraries came in the fifties with the ready availability of 16mm footage. Prior to that decade, few went out and shot film just for its possible use as stock footage, but with 16mm that became a viable, and reasonably inexpensive, proposition. The Lem Bayley Library, consisting entirely of 16mm film, was founded in 1953. (The library is now operated by the Chicago-based White Production Archives, Inc., which also has the Guy Haselton Library.) Actor Jon Hall founded his company, the Torrejon Film Library, three years later. It was noted for its underwater footage. Currently, three major stock footage libraries continue to offer a substantial collection of footage which their owners have shot, but in 35mm: Larry Dorn, Carl Barth's The Stock House, and Telecine International Productions.

The last is owned by Nick Archer, who has a policy of not promoting his library for outside use by independent filmmakers. Yet his proud boast is that he has serviced and billed over 4,000 Hollywood and New York productions, from *Studio One* and *Playhouse 90* in 1957 through *I'll Take Manhattan* and *The Two Mrs. Grenvilles* in 1987.

Many stock footage libraries operating in the 1950s and 1960s are forgotten today. Among these once-prominent companies are Cinerama, Inc., Film Library (established in 1962), Seth Larson's Continental Film Library (founded in 1964), Dynamic Films, Inc. (founded in 1948 and specializing in auto race footage), Guy Haselton (with 16mm color footage of national parks), Arthur Lodge Productions (founded in 1953), Marathon International Productions (established in 1947), and Stock Shots To Order, Inc. (founded in 1956).

Changes in the film industry in the fifties led to the creation of other libraries. Reggie Lyons (son of the noted ASC cinematographer of the same name) and Jack Reilly, the respective librarians at RKO and M-G-M, decided to form their own company, Producers Library Service, in 1957. The Library was intended to represent stock footage from independent producers, acting as a service to both the consignee and the buyer. Currently, Producers Library Service also represents stock footage from the BBC Location Library, ABC Entertainment, and Orion Pictures Corporation.

Also in 1957, the best known name in stock footage libraries, Sherman Grinberg (1928–1982), founded his library, after almost a decade working as an editor at 20th Century–Fox and elsewhere. Grinberg realized that the demise of the theatrical newsreel was close at hand, and that the newsreel archives could form a valuable resource for both television interest series and documentaries. He was able to acquire the libraries of both Pathé News (1912–1957) and Paramount News (1927–1957), and eventually, in 1963, also added ABC Television News to his holdings (CBS and NBC news footage is controlled and licensed by their respective networks).

As well as licensing stock footage, Grinberg also embarked on an ambitious production program. In 1962, in collaboration with David Wolper, he

produced for television 39 episodes in the *Biography* series, narrated by Mike Wallace, with a further 26 episodes released the following year. Earlier, in 1960, he had produced 130 episodes in the *Funny Worlds* series, and 260 *Greatest Headlines of the Century* programs. In 1961 Grinberg produced 260 one-minute *Sportfolios* and, in 1964, made 30 *Survival* shows and 39 *Battleline* episodes. By 1965, Grinberg boasted a staff of 55, and his production activities were budgeted at $5 million.*

That same year, Grinberg moved his operation from the Columbia Studios lot to a building he had purchased, and from which the library still operates, at 1040 North McCadden Place in Hollywood. A New York office had opened earlier, and in 1965 it was placed under the control of Bernie Chertock, who had been with Grinberg since 1959, and continues as its East Coast head of operations.

Along with its black-and-white news footage, Grinberg also represents color and black-and-white stock footage from the productions of 20th Century–Fox, M-G-M, Allied Artists, ITC, and many others. Television productions from which the company represents stock include *Nova, Odyssey, Wide World of Animals*, and those from Home Box Office.

Aside from the Sherman Grinberg Film Libraries, the other major sources for black-and-white news and actuality footage are the UCLA Film and Television Archive, with its 27 million feet of newsreel footage from Hearst Metrotone and elsewhere,† and the New Jersey–based library and laboratory operation of John E. Allen, Inc. Founded in 1950, John E. Allen has some 28 million feet of film on file, including the *Kinograms* newsreel (1915–1931) and *Telenews* (1947–1953). As late as the 1960s, John E. Allen was also known to movie buffs for its fabulous collection of paper memorabilia from the teens, which it sold outright to collectors. Today, John E. Allen, Inc., is widely respected in the archival community for its laboratory, specializing in preservation and restoration of nitrate films.

Smaller sources of black-and-white archival footage are Archive Film Productions, Inc., and Killiam Shows, Inc. The former is operated by Patrick Montgomery, who received his training with Paul Killiam, and who has been actively involved in film production since 1979. Archive's major acquisition, in 1989, was the complete run of *The March of Time* from 1935 to 1951. Paul Killiam controls the estate of D.W. Griffith, and has built up an enviable reputation for his superior quality releases of silent features and short subjects in

*For more information, see Ornstein, Bill, "Grinberg Spending Near $5 Mil During This Year," The Hollywood Reporter, *January 6, 1965, pp. 1, 4.*

†*Not all the Hearst Metrotone material is at UCLA. Hearst Metrotone News (235 East 45th Street, New York, New York 10017) still controls and licenses footage from its series* Hearst Almanac, Hearst Reports *(1958–1983),* Telenews Weekly *(1954–1963),* Time Capsules, Time Out for Sports, Big Moments in Sports, Farm Newsreel, Perspectives on Greatness, History Makers, *and* American Insight.

television series such as *Movie Museum* (1954-1955) and *Silents Please/The History of the Motion Picture* (1960-1961).*

Recent years have seen some changes in the stock footage industry. New companies, such as Energy Productions and Dreamlight Images, have been created to shoot 35mm film specifically for stock footage, with a specialization in time-lapse and slow motion photography. The advent of video has resulted in the formation of a number of houses specializing exclusively in video as opposed to film, most notably the Los Angeles–based Video Tape Library, Ltd. Smaller production companies, including Stephen J. Cannell and Lorimar, have found it profitable to create their own stock libraries to compete with and supplement the holdings of the major studios. In New York, Film Search and Second Line Search specialize in finding stock footage for their various corporate clients, and the former, in association with the Image Bank photographic library, also maintains a stock footage library.

In April 1985, Jill Hawkins, the head of BBC Library Sales, hosted a meeting of representatives from various commercial audiovisual libraries at the MIP Television Market in Cannes. A second meeting was held in London in October of the same year, and the Federation of Commercial Audio Visual Libraries (FOCAL) became a reality. International in scope, but with its membership and activities primarily located in Europe, FOCAL's aim is to represent both the interests of commercial film and television libraries, and those of professional film researchers.†

For more information on Paul Killiam, see the entry in Films on Film History *by Anthony Slide, Metuchen, N.J.: Scarecrow Press, 1979, pp. 110–112.*

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11 INTO THE NINETIES

The archival movement had a sad year in 1988 in that three of its leaders died. On May 22, George C. Pratt, curator emeritus of the International Museum of Photography at George Eastman House, and a prominent figure in its development from 1953 to 1984, died at the age of 73. On June 6, Jacques Ledoux died at the age of 66; he had been curator at Belgium's Cinémathèque Royale since 1948. Vernon S. Harbin, who died on July 31, 1988, at the age of 79, was one of the few individuals in the film industry to have held a long-time concern for preservation. He joined RKO in 1931, and was still with the company in 1958 when Howard Hughes decided to dispose of its assets. It was Harbin who selected which of the company's records were to be saved, and spent the next 20 years cataloging and organizing them. (They were subsequently donated to UCLA.) Actress Ginger Rogers echoed the thoughts of many when she commented, "Vernon Harbin deserves his own Academy Award for keeping movie history alive."*

The passing of these prominent figures in film preservation symbolized the end of an era. Not only were new archivists coming along, but also training programs in the field were beginning to appear.

Aside from the occasional summer school for new archivists, organized by FIAF and held at the Staatliches Filmarchiv der DDR, and the equally infrequent single-session university classroom surveys of film preservation, there had been no attempt to offer courses of study in film preservation and film archives administration. The obvious reasons were that there are insufficient positions available for would-be film archivists, and most of the work involved in the running of a film archives is far removed from the world of academia. The major figures in the American film archival field trained themselves. Eileen Bowser, at the Museum of Modern Art, was Richard's Griffith's secretary before she became an archivist. Robert Gitt of UCLA ran the Dartmouth College Film Society before embarking on a career in film preservation. Archivists such as the National Film Archive's Ernest Lindgren or Paul Spehr at the Library of Congress started at the bottom and slowly graduated to administration.

**Quoted in* Daily Variety, *August 2, 1988, p. 22.*